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| 09/855,117      | 05/14/2001  | Steven T. Kanefsky   | CING-0036/573.US    | 9063             |

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WOODCOCK & WASHBURN LLP  
ONE LIBERTY PLACE  
46TH FLOOR  
PHILADELPHIA, PA 19103

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| EXAMINER |
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TANG, KAREN C

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| ART UNIT | PAPER NUMBER |
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2151

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,117

Applicant(s)

KANEFSKY, STEVEN T.

Examiner

Karen C. Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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1. Claims 1, 2, and 4-17 are presented for examination.

***Response to Arguments***

2. Applicant's arguments, see page 5, filed 8/9/06 with respect to the cited art does not pre-dates the earliest effective filing data of the instant application which have been fully considered and are persuasive. The rejection of previous action have been withdrawn.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 5-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan (US 6,760,759).

3. Referring to Claim 1, Chan disclosed providing information on a wireless device comprising: receiving, at a remote server, one or more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device (refer to Col 4, Lines 40-60);

identifying a folder based on the one or more search parameters, wherein the identified folder is part of a preexisting deck maintained by said remote server (refer to Col 4, Lines 60-67); and communicating the identified folder to said wireless device for performing a menu navigation to the identified folder (refer to Col 5, Lines 35-63).

4. Referring to Claims 2 and 8, Chan disclosed further comprising: activating a script directed to one or more queries the script associated with a navigation command, each of the one or more queries associated with the one or more search parameters (refer to Col 5, Lines 40-45).

5. Referring to Claim 11, Chan disclosed wherein the wireless device display the at least one identified folder and/or the at least one identified item (refer to Fig 5).

6. Referring to Claim 5, Chan disclosed comprising receiving, at a remote server, one or more search parameters from the wireless device (refer to Col 4, Lines 40-60); identifying a selection of a plurality of folders and/or a plurality of items based on the one or more search parameters (refer to Col 4, Lines 60-67) each of the plurality of folders and items

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being part of a preexisting deck used by the wireless device (refer to Fig 5); and providing a second menu (refer to Col 5, Lines 35-63) to the wireless device based on the identified selection operation

7. Referring to Claims 6 and 13, Chan disclosed wherein the second menu is a flat menu (refer to Fig 5, Col 5, Lines 35-64) that includes two or more identified items.

8. Referring to Claims 7 and 15, Chan disclosed wherein the second menu includes at least one text message that contains at least one of the one or more search parameters (refer to Fig 5, 120).

9. Referring to Claims 9 and 14, Chan disclosed wherein the second menu is a hierarchical menu that includes two or more identified folders (refer to Fig 5, 120 and Col 5, Lines 35-60).

10. Referring to Claim 10, Chan disclosed a device for searching for a folder or item in a menu of a wireless device, comprising:

an interface at a remote server that receives one or more search parameters from the wireless device (it is server comprises a interface to receive parameter), the one or more parameters different from a menu navigation command of the wireless device (refer to Col 5, Lines 35-60); a search device that performs a search operation based on the one or more search parameter, the search operation identifying at least one folder and/or at least one item, the at least one folder and at least one item each being part of a preexisting deck maintained by said remote server and communicated to the wireless device (refer to Fig 5, and Col 5; Lines 35-63) and

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a managing device that provides information to the wireless device based on the search operation (refer to Col 5, Lines 20-35);

wherein one of the at least one identified folder and/or the at least one identified item or a portion of a second menu is provided for display on the wireless device, and wherein the second menu is formed based on the provided information (refer to Fig 5, 120 and 130).

11. Referring to Claim 12, Chan disclosed wherein the wireless device displays a portion of the second menu (refer to Fig 5, 120 and 130)

12. Referring to Claim 16, Chan disclosed a script processor that provided at least one search parameter in response to a script directed to one or more query operations (refer to Col 5, Lines 20-35 and Lines 35-40).

13. Referring to Claim 17, Chan disclosed wherein the script processor accessing information relating to an external network in response to the script (refer to Col 5, Lines 20-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al hereinafter Chan (US. US 6,760,759) in view of LaDue et al hereinafter LaDue (U.S 6185198)

14. Referring to Claim 4, Chan disclosed wherein the script further including one or more operations (refer to 0041).

Chan did not expressly indicate the operation includes performs one of facilitating a purchase facilitating a reservation based on the query and placing a phone call.

LaDue indicated the real time billing and debit transaction (purchase) (refer to Col 12, Lines 55-67) by dialing or messaging/paging (refer to Col 13, lines 60-67)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both Chan and LaDue inventions since Chan discloses the client system/wireless phone has the capability to shop online (refer to 0008).

The suggestion/motivation would have been that because it is very efficient for user consists capability to pay billing and purchasing items such as games or ring tone just by pressing the bottom or making phone call, furthermore, by placing the call, it prevent the online security fault and the user does not have to enter the information via webpage to decrease the identify theft.

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*Conclusion*


A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT  
Karen Tang  
11/06/06

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100